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JLW

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PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
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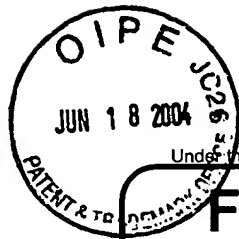
<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/053,733
	<b>Filing Date</b>	Jan 18, 2002
	<b>First Named Inventor</b>	Hardwick
	<b>Group Art Unit</b>	2123
	<b>Examiner Name</b>	GARCIA OTERO, EDUARDO
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> MS1-1422US

<b>ENCLOSURES (check all that apply)</b>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) Sheets <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Post Card; PTO Form 1449; (14) references
<b>Remarks</b>  22801		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
<b>Firm or Individual name</b>	Allan T. Sponseller, Reg. No. 38,318
<b>Signature</b>	
<b>Date</b>	6/15/04

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 6/16/04			
<b>Typed or printed name</b>	Laurie Morgan		
<b>Signature</b>		<b>Date</b>	6/16/04

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PTO/SB/17 (10-03)

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0.00

**Complete if Known**

Application Number	10/053,733
Filing Date	Jan 18, 2002
First Named Inventor	Hardwick
Examiner Name	GARCIA OTERO, EDUARDO
Art Unit	2123
Attorney Docket No.	MS1-1422US

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

12-0769

Lee &amp; Hayes, PLLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		-20** =		X		=	
Independent Claims		-3** =		X		=	
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity - Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Allan T. Sponseller	Registration No. (Attorney/Agent)	38,318	Telephone	(509) 324-9256
Signature		Date	6/15/04		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. ....10/053,733  
Filing Date ..... Jan 18, 2002  
Confirmation No.....4234  
Inventorship ..... Hardwick  
Applicant ..... Microsoft Corporation  
Group Art Unit .....2123  
Examiner .....GARCIA OTERO, EDUARDO  
Attorney's Docket No. .... MS1-1422US  
Title: Late Binding Of Resource Allocation In A Performance Simulation  
Infrastructure

**INFORMATION DISCLOSURE STATEMENT**

*References -- See Attached Form PTO-1449*

**REMARKS**

The citations listed, copies attached, are submitted in compliance with the duty of disclosure defined in 37 CFR §1.56. The Examiner is requested to make these citations of official record in this application.

Respectfully Submitted,

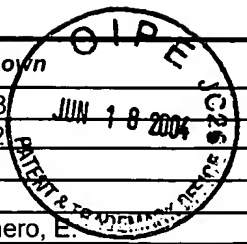
Date: 6/15/04

By: AT.S  
Allan T. Sponseller  
Reg. No. 38,318

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Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>		<b>Complete if Known</b>	
	Application Number	10/053,733	
	Filing Date	01/18/2002	
	First Named Inventor	Hardwick	
	Group Art Unit	2123	
	Examiner Name	Garcia Othero, E.	
	Attorney Docket Number	MS1-1422US	
Sheet	1	of	2



NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>2</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		ANDRADOTTIR; "A Review of Simulation Optimization Techniques"; Proceedings of the 1998 Winter Simulation Conference; pp. 151-158.	
		AZADIVAR; "Simulation Optimization Methodologies"; Proceedings of the 1999 Winter Simulation Conference; pp. 93-100.	
		BOESEL, et al.; "A Framework for Simulation-Optimization Software"; Technical Report; Department of Industrial Engineering and Management Sciences, Northwestern University; May 1999; 25 pages.	
		BOESEL, et al; "Future of Simulation Optimization"; Proceedings of the 2001 Winter Simulation Conference; pp. 1466-1469.	
		CHONG, et al; "A Framework for Simulation-based Network Control via Hindsight Optimization"; Conference on Decision and Control (CDC), 2000; 6 pages.	
		GEHLSSEN, et al.; "A Framework for Distributed Simulation Optimization"; Proceedings of the 2001 Winter Simulation conference; pp. 508-514.	
		HARDWICK, et al; "Modeling the Performance of E-Commerce Sites"; Journal of Computer Resource Management; Winter 2002 Edition; Issue 105; pp. 3-12.	
		HUMPHREY, et al; "A Revised Simplex Search Procedure for Stochastic Simulation Response-Surface Optimization"; Proceedings of the 1998 Winter Simulation Conference; pp. 751-759.	
		JOSHI, et al.; "Framework for the Optimization of Discrete-Event Simulation Models"; Proceedings of the 17th ASEM National Conference; October 10-12, 1996; 7 pages.	
		NEDDERMEIJER, et al; "A Framework for Response Surface Methodology for Simulation Optimization"; Proceedings of the 2000 Winter Simulation Conference; pp. 129-136.	
		SWISHER, et al.; "A survey of Simulation Optimization Techniques and Procedures"; Proceedings of the 2000 Winter Simulation Conference; pp. 119-128.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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<p>Substitute for form 1449B/PTO</p> <h2 style="margin: 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="margin: 0;"><i>(use as many sheets as necessary)</i></p>				<b>Complete if Known</b>		
				Application Number	10/053,733	
Sheet		2	of	2	Filing Date	01/18/2002
					First Named Inventor	Hardwick
					Group Art Unit	2123
					Examiner Name	Garcia Otero, E.
					Attorney Docket Number	MS1-1422USC1

O I P E

JUN 18 2004

PATENT & TRADEMARK OFFICE

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		THOMPkins; "Policy Driven, Multi-Objective Optimization of Simulated Stochastic Models"; <a href="http://www.ncsa.uiuc.edu/TechFocus/Projects/NCSA/PolicyDriven_Multi-Objective_Optimization_of_Simulated_Stochastic_Models.html">http://www.ncsa.uiuc.edu/TechFocus/Projects/NCSA/PolicyDriven_Multi-Objective_Optimization_of_Simulated_Stochastic_Models.html</a> ; 3 pages; last updated 4/28/03.	
		LOOSLEY, et al; "E-Commerce Response Time: A Reference Model"; in Proceedings of the Computer Measurement Group's 2000 International Conference (CMG2000); Dec. 2000; pp. 1-16	
		SPELLMANN, et al; "eBusiness Performance: Risk Mitigation in Zero Time"; in Proceedings of the Computer Measurement Group's 2000 International Conference (CMG2000); Dec. 2000; pp. 1-11.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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